

MEMORANDUM

TO: NWABSD Board of Education
Members

DATE: June 6, 2023

NUMBER: 23-135

FR: Office of the Superintendent

SUBJECT: Approval of Proposed
Revisions to BP 6159.1,
Instruction, Procedural
Safeguards and
Complaints for Special
Education; First Reading

STRATEGIC PLAN/BOARD GOAL:

Improve Stakeholder Communication.

ABSTRACT:

Board policy revisions require Board approval.

ISSUE:

At issue is to approve the first reading of the proposed revisions to BP 6159.1, Instruction, Procedural Safeguards and Complaints for Special Education and open for public comments.

BACKGROUND AND/OR PERTINENT INFORMATION:

The Superintendent/designee presents drafts or suggestions for board policy revisions when changes in law occur or when specific need occurs. Policy revisions shall normally be given two readings prior to adoption by the Board. This is the first reading of the proposed revisions to BP 6159.1, Instruction, Procedural Safeguards and Complaints for Special Education.

The Board Policy Committee reviewed the proposed changes, recommends approval and to open for public comments.

ALTERNATIVES:

1. Approve the first reading to the proposed revisions to BP 6159.1, Instruction, Procedural Safeguards and Complaints for Special Education as presented and open for public comments;
2. Do not approve first reading to the proposed revisions to BP 6159.1 as presented;
3. Take no final action.

ADMINISTRATION'S RECOMMENDATION:

The administration recommends the Board approve the first reading to the proposed revisions to BP 6159.1, Instruction, Procedural Safeguards and Complaints for Special Education as presented and open for public comments.

BP 6159.1 PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

Note: A parent of a child with a disability has specific rights or procedural safeguards under IDEA 2004. Alaska school districts are required to adopt the parents' rights statement developed by the Department of Education & Early Development, referred to as the *Notice of Procedural Safeguards*.

In order to protect the rights of students with disabilities and their parents/guardians, the district shall follow all procedural safeguards as set forth in law.

Parents/guardians shall receive written notice of their rights, including the right to a due process hearing for any dispute related to the identification, evaluation or educational placement of a child or the provision of a free, appropriate public education to the child.

(cf. 6150 - Individualized Education Program)

The Superintendent or designee shall represent the district in any due process hearings conducted with regard to district students and shall provide the School Board with the results of these hearings.

In addition to a due process hearing, parents/guardians shall have the right to file a complaint with the Alaska Department of Education and Early Development.

Legal Reference:

UNITED STATES CODE, TITLE 20

20 USC 1232g *Family Educational Rights and Privacy Act*

20 USC 1400 - 1491 *Individuals with Disabilities Act*

29 USC 794 UNITED STATES CODE, TITLE 29

Section 504 of the Rehabilitation Act

CODE OF FEDERAL REGULATIONS, TITLE 34

34 CFR 99.10 - 99.22 *Inspection, review and procedures for amending education records*

34 CFR 104.36 *Procedural safeguards*

34 CFR 300.500 - 300.517 *Due process procedures for parents and children*

ALASKA STATUTES

[14.30.180 - 14.30.350](#), *Education for Exceptional Children*

ALASKA ADMINISTRATIVE CODE

[4 AAC 52.010 - 52.990](#), *Education for Exceptional Children*

Adopted: April 28, 2004

Northwest Arctic Borough School District